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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/737,300 | 12/16/2003 | Michael Muller | LOT920030036US1 | 7679 |

23550 7590 01/11/2008

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| EXAMINER | |
|---|---|
| AUGUSTINE, NICHOLAS | |
| **ART UNIT** | **PAPER NUMBER** |
| 2179 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 01/11/2008 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/737,300 | MULLER ET AL. | |
| | Examiner | Art Unit | |
| | Nicholas Augustine | 2179 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *17 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10,12-15 and 21-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-15 and 21-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

A. This action is in response to the following communications: Request for Continued Examination filed: 10/17/2007.

B. Claims 1-10, 12-15 and 21-28 remains pending.

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### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/17/2007 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12-15 and 21-28 rejected under 35 U.S.C. 102(b) as being anticipated by Roberge et al. (US 6,381,611 B1), herein referred to as "Roberge".

As for independent claims 1,9 and 21, Roberge teaches a method and corresponding system and program product for providing a compact interface for display of an object hierarchy having a plurality of levels (figure 1), comprising:

displaying a first level root node of the object hierarchy and navigation indicia indication, that the first level root node includes at least one second level child node in a first window (figure 7; wherein depicted is the parent node ("Test" with an arrow indicating that more options are available; col.6,lines 10-16);

upon selection (figure 8) of the first level root node in the first window, displaying a pop-up window that includes a listing of all second level child nodes of the first level root node immediately adjacent and to a right side of the first level root node in the first window (figure 9; col.6, lines 19-35); and

selecting one of the second level child nodes from the listing of all second level child nodes included in the pop-up window (col.6, lines 31-35);

wherein, upon selection of one of the second level child nodes, the pop-up window that includes the listing of all second level child nodes of the first level root node disappears from the first window, and is replaced by the selected second level child node, which is displayed immediately adjacent and to the right side of the first level root node in the first window, wherein the first level root node, the navigation indicia, and the selected second level child node are

displayed in a linear horizontal arrangement in the first window, and wherein a depth of a navigation path through the object hierarchy increases from left to right in the first window (col.6, lines 17-39).

As for dependent claims 2,10 and 22, Roberge teaches the method of claim 1, further comprising:

upon selection of the displayed second level child node in the first window, displaying a pop-up window that includes a listing of all third level child nodes of the displayed second level child node immediately adjacent and to a right side of the displayed second child node in the first window (figure 9); and

selecting one of the third level child nodes from the listing of all third level child nodes included in the pop-up window (figure 15);

wherein, upon selection of one of the third level child nodes, the pop-up window that includes the listing of all third level child nodes of the displayed second level child node disappears from the first window, and is replaced by the selected third level child node, which is displayed immediately adjacent and to the right side of the displayed second child node in the first window, wherein the first level root node, the second child node, and the selected third level child node are displayed in a linear horizontal arrangement in the first window (figure 15; col.6, lines 24-27).

As for dependent claims 3 and 23, Roberge teaches the method of claim 2, further comprising:

selectively repeating the above-described steps for at least one subsequent level in the object hierarchy, wherein each selected node is displayed immediately adjacent and to a right side of a selected node from a previous level of the object hierarchy in the first window, and wherein each selected node from a previous level in the object hierarchy and each selected node from a subsequent level in the object hierarchy are displayed in a linear horizontal arrangement in the first window (figure 15).

As for dependent claims 4,12 and 24, Roberge teaches the method of claim 3, wherein the first level root node
and any selected nodes are displayed in a linear horizontal arrangement in the first window, wherein only a single node is displayed for each level of the object hierarchy (figure 9; displayed left to right).

As for dependent claims 5,13 and 25, Roberge teaches the method of claim 4, further comprising, upon

selection of one of the displayed nodes in the first window:

displaying a pop-up window over the selected displayed node in the first window that includes a listing of all sibling nodes of the selected displayed node, and displaying a pop-up window in the first window that includes a listing of all child nodes of the selected displayed node adjacent and to the right of the selected displayed node (col.6, lines 24-39).

As for dependent claims 6, 14 and 26, Roberge teaches the method of claim 4, further comprising, upon

selection of one of the displayed nodes in the first window:

displaying a pop-up window adjacent and to the left of the selected displayed node in the first window that includes a listing of at least one level of ancestor nodes of the selected displayed node, displaying a pop-up window over the selected displayed node in the first window that includes a listing of all sibling nodes of the selected displayed node, and displaying a pop-up window adjacent

and to the right of the selected displayed node in the first window that includes a listing of all child nodes of the selected displayed node (figures 7-9 and col.6, lines 51-58).

As for dependent claims 7, 15 and 27, Roberge teaches the method of claim 4, further comprising, upon

selection of one of the displayed nodes in the first window:

displaying a pop-up window to the left of the selected displayed node in the first window that includes a listing of each level of ancestor nodes of the selected displayed node, displaying a pop-up window over the selected displayed~ node in the first window that includes a listing of all sibling nodes of the selected displayed node, and displaying a pop-up window to the right of the selected displayed node in the first window that includes a listing of each level of descendant nodes of the selected displayed node (figures 7-9; col.6, lines 10-15, 24-29, 51-58).

As for dependent claims 8 and 28, Roberge teaches the method of claim 1, further comprising:

associating at least one of the displayed nodes with a functionality; and

upon selection of one of the displayed nodes, executing the functionality associated with the selected node ( figure 15).

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***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

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**(Note:)** **It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art cited is related to hierarchies and navigation techniques associated with them.

### *Inquires*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Augustine
Examiner
AU: 2179

N. Augustine
January 4, 2008

BA HUYNH
PRIMARY EXAMINER